Feb 14 2006 11:47

BAKER BOTTS LLP

Fax recalpt will not be confirmed by phone unless requested.

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FEB 14 2006

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10	Office of Petitions			FAX NO. 571-273-8300	_
FIRM/COMP.	PANY U.S. Patent and Tradem	ark Office		VOICE NO. 571-272-3282	_
FROM	Anthony T. Smith, Paralegal	VOICE NO.	214.953.6713	DATE February 14, 2006	
RETURN TO	Candice Rockett	FAX NO.	214.661.4713	PAGES (including cover) 15	
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In	n re Application of: Dale S. H			·	2
	erial No.: 09/456,64				≥
	iled: December itle: Electroni		Distribution Metho	nd and System	
	Attorney Docket No. 014208.13			and Oyseen	7
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I he	ereby certify that this cover she	eet and the acco	ompanying letter wit	th enclosures are being transmitted by	_
face	simile to the U.S.,Patent and T	rademark Offic	e on the date shown	, below.	-

MESSAGE

CERTIFICATE OF FACSIMILE TRANSMISSION

Signature:

Anthony T. Smith, Paralegal

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If you do not receive all pages, please call: 214.953.6566 or 214.953.6740 for assistance.

BILLING NO.

014208.1386

ATTORNEY/EMPLOYEE NO. 05098

CRITICAL DEADLINE, SEND BY

ASAP

DAL01:892900.1

ATTORNEY DOCKET NO. 014208.1386(35-95-010.1)

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PATENT 09/456,647

FEB 14 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dale S. Howard, et al.

Serial No.:

09/456,647

Filing Date:

December 8, 1999

Appeal No.:

2002-2139

Group No.:

3623

Examiner:

Romain Jeanty

Title:

ELECTRONIC PUBLICATION DISTRIBUTION

METHOD AND SYSTEM

VIA FACSIMILE:

571-273-8300

Mail Stop: Petitions

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

NON-FEE PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT AND RE-MAIL NOTICE OF ALLOWANCE

This petition is filed in response to notification by the U.S. Patent and Trademark Office that the above-referenced patent application has been abandoned for failure to file a timely and proper reply to the Notice of Allowance and Issue Fee Due, which according to the Private PAIR System, was mailed August 17, 2005 with a three month period for reply. This Petition under 37 C.F.R. § 1.181 is to request that the holding of abandonment be withdrawn. As indicated in the attached statement of facts, Applicants never received the Notice of Allowance, and therefore, did not respond by the due date of November 17, 2005. Accordingly, the holding of abandonment is improper pursuant to M.P.E.P. § 711.03(c)II. The required showing to establish nonreceipt pursuant to M.P.E.P. § 711.03(c)II is provided in the following documents:

1. Counsel's Statement of Facts in Support of Petition to Withdraw Holding of Abandonment.

DAL01:892858.1

ATTORNEY DOCKET NO. 014208.1386(35-95-010.1)

PATENT 09/456,647

2

- Copy of Notice of Abandonment (NOT RECEIVED BY APPLICANTS).
 Though Applicants did not receive a Notice of Abandonment from the Patent and Trademark Office, Applicants believe the application to be abandoned by law since issue fee due by November 17, 2005 was not paid.
- Copy of the File History Wrapper for Serial No. 09/456,647.
- 4. Copy of the docket record where the nonreceived Notice of Allowance would have been entered had it been received and docketed.

As the abandonment of this case was through no fault of Applicants, it is respectfully requested that a new Notice of Allowance be mailed and the date for response to be three months from the mail date of the new Notice of Allowance, pursuant to M.P.E.P. § 711.03(c)II. It is not believed that any fees are due. However, if it is determined that a petition fee or any additional fees are due, please charge these fees to Baker Botts L.L.P. Deposit Account No. 02-0384.

Respectfully submitted,

BAKER BOTTS L.L.P. Attorneys for Applicants -

David G. Wille Reg. No. 38,363

Datas

CORRESPONDENCE ADDRESS:

CUSTOMER NO. 35005

Fax: 2149536503 Feb 14 2006 11:48 P

TAB 1

Feb 14 2006 11:48

P. 05

RECEIVED
CENTRAL FAX CENTER

Attorney's Docket: 014208.1386(35-95-010.1)

FEB 14 2006

PATENT 09/456,647

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dale S. Howard, et al.

Serial No.:

09/456,647

Filing Date:

December 8, 1999

Appeal No.:

2002-2139

Group No.:

3623

Examiner:

Romain Jeanty

Title:

ELECTRONIC PUBLICATION DISTRIBUTION

METHOD AND SYSTEM

VIA FACSIMILE:

571-273-8300

Mail Stop: Petition

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

COUNSEL'S STATEMENT OF FACTS IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT

I am a patent attorney employed with Baker Botts L.L.P. I am listed as an attorney of record for the above-identified pending U.S. patent application entitled *Electronic Publication Distribution Method and System* filed on December 8, 1999, Application No. 09/456,647. My residence is Plano, Texas (a suburb of Dallas, Texas), and my place of employment is Dallas, Texas, and were so at all times relevant to the Statement of Facts. The following facts relate to the subject application:

Attorney's Docket: 014208.1386(35-95-010.1)

PATENT 09/456,647

2

- 1. All mail from the PTO is received in a Baker Botts mailroom and routed to the IP mail clerk. She opens and date-stamps all mail, and forwards notices of allowance received from the PTO to the paralegal assigned to the case. She does not record a log of such received mail, and therefore no such log is provided pursuant to MPEP § 711.03(c)II.
- 2. It is then the responsibility of the paralegal to docket notices of allowance received from the PTO. When a Notice of Allowance is received, the response due date is docketed along with any other papers due. A letter to the client is then prepared, and the file is forwarded to the attorney of record for review and authorization to pay the issue fee.
- 3. According to the file history wrapper (Tab 3) for this application, the Notice of Allowance has not been docketed, and there is no due date for the payment of the Issue Fee. Also attached is a copy of the docket record where the nonreceived Notice of Allowance would have been entered had it been received and docketed (Tab 4). These documents indicate that the Notice of Allowance was not received from the PTO.
- 4. As an attorney of record for the above-identified pending U.S. patent application, I attest that the Notice of Allowance was not received from the PTO. Further, I attest that I have performed a search of the file jacket and all of its contents. The results of the search revealed that the Notice of Allowance was not in the file jacket. This further indicates that the Notice of Allowance was not received from the PTO.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application for any patent issuing thereon.

David G. Wille

Baker Botts L.L.P.
2001 Ross Avenue
Dallas Teyras 75201 26

Dallas, Texas 75201-2980

(214) 953-6595

Feb 14 2006 11:48

P. 07

TAB 2

COPY OF NOTICE OF ABANDONMENT NOT RECEIVED BY APPLICANTS

TAB 3

Country Application

Monday, February 13, 2006

Page: 1

Client Matter Number: 014208.1386

Country: US

SubCase:

Client: ELECTRONIC DATA SYSTEMS CORPO United States of America

Client Reference No: 35-95-010.1

Case Type: CON

Resp.Office: DL

Application Status: Appealed

Status Date:

Application Number: 09/456647

Filing Date: 08-Dec-1999

Publication Number: Patent Number:

Publication Date:

Issue Date:

Parent/PCT Number:

Parent/PCT Date: 01-Jul-1996

Parent Issue Number:

Parent Issue Date:

Tax Schedule: LE

Expiration Date:

Confirmation #:

Patent Term Adjustment: 0

Agent:

Agent Reference #:

PTO Customer Number:

Priority Number: 08/673986

Historical Family No.:

New Family Number:

Matter:

Claims: 2

Annuity Client?: No

Tax Start Date:

Remarks: ASSIGNMENT - 8072/0925-0928; ASSIGNMENT Date - 01-Jul-1996

Appeal No. 2002-2139

Page: 2

Fax: 2149536503

List Of Actions			onday, February 13,
Action(s) Due	Due Date		Antion Takes
Application Mailed	08-Dec-1999	Due Date	Action Taken 08-Dec-1999
Associate Power of Atty Filed	08-Dec-1999	Due Date	08-Dec-1999
IDS Filed	08-Dec-1999	Due Date	08-Dec-1999
Preliminary Amendment	08-Dec-1999	Due Date	08-Dec-1999
Rejection Mailed	19-Sep-2000	Due Date	19-Sep-2000
Associate Power of Atty Filed	16-Nov-2000	Due Date	16-Nov-2000
3 Month Due Date	19-Dec-2000	Due Date	16-Nov-2000
Final Rejection	12-Feb-2001	Due Date	12-Feb-2001
Advisory Action	23-Mar-2001	Due Date	23-Mar-2001
Amendment Filed	09-Apr-2001	Due Date	09-Apr-2001
2 Month Amendment Due Date	12-Apr-2001	Duc Date	27-Feb-2001
Change of Corresp. Address	12-Apr-2001	Due Date	27-Feb-2001
Advisory Action	07-May-2001	Due Date	07-May-2001
Notice of Appeal Filed	14-May-2001	Due Date	14-May-2001
l Month Reminder/Appeal Brief	14-Jun-2001	Reminder	02-Jul-2001
2 Month Appeal Brief Deadline	14-Jul-2001	Final	02-Jul-2001
Examiner's Answer 4 Mo. Response Status Check moved to	02-Oct-2001 7/24/02 per TMS	Due Date 3/21/2002, CAD	02-Oct-2001
Reply Brief One Month Reminder 4 Mo. Response Status Check moved to	02-Nov-2001	Reminder	15-Nov-2001
JS-Appeal Status Check	02-Nov-2001	Due Date	02-Oct-2001
Reply Brief	02-Dec-2001	Due Date	15-Nov-2001
Mo. Response Status Check moved to	7/24/02 per TMS 3	3/21/2002. CAD	•
JS-USPTO Communication Confirmation of Receipt of Reply Brief or decision on the appeal. CAD	24-Jan-2002 filed 1/15/2002. C	Due Date ase sent to the B	24-Jan-2002 oard of Appeals

Country Application

Monday, February 13, 2006

Page: 3

Request for Status Filed

12-Jul-2002

Due Date

12-Jul-2002

Per PTO phone call today (July 12, 2002), this case has now been sent to the Board of Appeals for consideration. TJS/CAD

Re USPTO 8/29/02 this case has been assigned Appeal No. 2002-2139. CAD

Request for Status moved forward per TMS. CAD 1/20/2003

Request for Status Due

24-Jul-2002

12-Jul-2002

Last PTO communication was mailed January 24, 2002. CAD

14-Aug-2002 Due Date

14-Aug-2002

Board of Appeals ordered case back to Group to enter the filing of the Appeal Brief and to charge EDS Deposit Account for the fees as instructed by our cover letter filing the Brief.

Follow Up Request for Status

12-May-2003

Due Date

Due Date

10-Jun-2003

Per PTO phone call today (July 12, 2002), this case has now been sent to the Board of Appeals for consideration. TJS/CAD

Re USPTO 8/29/02 this case has been assigned Appeal No. 2002-2139. CAD

Request for Status moved forward per TMS. CAD 1/20/2003

10-Jun-2003	Due Date	10-Jun-2003
15-Jan-2004	Due Date	15-Jan-2004
tell us that the case inday. CAD	s in line for deci	sion on appeal, but
	Due Date	28-May-2004
		20 Nmy-2004
27-Aug-2004	Due Date	27-Aug-2004
27-Feb-2006	Due Date	
	15-Jan-2004 tell us that the case i oday. CAD 28-May-2004 amendment or rehear 27-Aug-2004	15-Jan-2004 Due Date tell us that the case is in line for decisoday. CAD 28-May-2004 Due Date amendment or rehearing. (ats) 27-Aug-2004 Due Date

Created By: CDONAHUB

User ID: CDONAHUE

Date Created: 05-Oct-2000

Last Update: 09-Sep-2002

TAB 4

Manday, February 13, 2006	y 13, 2006		U.S.	U.S. Docket Report	ort	Page 1 of 3
DueDate	Indicator	ActionType/ Action Due	File Number/ Country Name	Application No./ Filing Date	TRIB	Status/
Responsible Person:		ASMITHS				
8/1/2005	Due Date	US-Req.Corract.Filing Receipt	073226.0118	10/478337	Pellet I was Frome of No.	
		Follow Up Re Filing Receipt	ম	11/18/2003	Polypropylens Resin Having Lower Mething Point and Process and Device for Producing the Same and Molded Foams	Published Hanol Law Offices
		Remarks: Correct no. of total claim	no. of total claims and no.of independent claims (als)	fent claims (ale)		
8/1/2005	Due Date	US-Change of Corresp. Address	017109.0487	08/992238	Decision Decision III Car Car	
		Change of Corresp. Address	SN	12/17/1997	wateriated Device will believing take Granted	Granted
		Remarks: for Microtek's Signature	since we never had F	OA in case. Form pr	Remarks: for Microtek's Signature since we never had POA in case. Form prepared and emailed to Marching Angioratek for since we never had POA in case. Form prepared and emailed to Marching Angioratek for since the control of the co	MICHOLEK MEDICAL, INC.
8/1/2005	Due Date	US-Change of Corresp. Address	017109.0488	08/870934	Fastening Arrangement for a limb S.	Unaume on 774(US. (als)
		Change of Corresp. Address	Sn	6/6/1997	Device	Granted MICPOTEX MEDICAL 11.0
		Remarks: for Microtek's signature	since BB never had P	OA in the case. Form	Remarks: for Microtek's signature since BB never had POA in the case. Form prepared and emailed to Ms. Jolly (Microtek) for signature on 7/4/4/05	Of Standards on 2014 (NE.
8/26/200 5	Due Date	US-Prooffead Issued Patent	019843.0230	10/410960	Method and System for Creating and	(ab)
		Proofread Issued Patent	Sn	4/9/2003	Managing Engineered Time Slandards	Cockheed Martin
		Remarks: Claims Only. (ats)				CORPORATION
10/1/2005	Due Date	US-Fee Address Form Due	017109.0540	08/963100	Outdoor Electric Personal Hooting Sustain	
		Fee Address Form Due	sn	11/3/1997	Higher Company of the	
		Remarks: Prepared for client on 2/10/2006.	10/2006.			MINCAOLEN MEDICAL, INC.
10/1/2005	Due Dafe	US-Fee Address Form Due	017109.0541	09/449405	Drape for a Surgical Microsomes with A. J.	
		Fee Address Form Due	S)	11/26/1999	Halation Window	Granged
		Remarks: Prepared for client on 2/10/2006.	10/2006.			MICROTEK MEDICAL, INC.
10/7/2005	Due Date	US-Req.Correct.Filing Receipt	075635.0119	10/933699	System and Melhod for Desdicting L	
	,	Follow Up Re Filing Receipt	Sn	9/3/2004	Posture Using a Rule-Based Sequential	Pending 100 c
	,	Remarks:			Aproaca:	ues cap.
10/14/2005	Due Date	US-Request for Consideration	017109.0378	10/655495	Surgical Drape Having a Fluid Collection	in i
		Req/Consideration Follow Up	Sn	8/4/2003	Pouch with an Inflatable Rim	
		Remarks: For IDS 2/8/2005. (ats)				MICKUTEK MEDICAL, INC.
10/26/2005	Due Date	US-Proofiead Issued Patent	069078.0115	10/373448	High Precision Winor and a Method of	Lobration
		Proofread Issued Patent	នា	2/24/2003		Granteo ELCAN - Texas Ootical Technolonies
		Noileans.				CHROICHING: INC.

Pacification Paci	Munuay, rendany 13, 2006	y 13, 2006		U.S.	U.S. Docket Report	T.	Page 2 of 3
Due Date US-Proofreed Issued Patent US-	DueDate	Indicator	ActionType/ Action Due	File Number/ Country Name	Application No./ Filing Date	Title	Status/ Client Name
Due Date US-Proofeed Issued Patent US 4712003 Diepersie Element US Proofeed Issued Patent US 4712003 Diepersie Element US 4712003 Diepersie Diepersie US 4712003 Diepersie Element US 4712003 Diepersie Element US 4712003 Diepersie Diepersie US 4712003 Diepersie Diepersie US 4712003 Diepersie Diepersie US 4712003 Diepersie Diepersie US 4712003 Diepersie Diepersie Diepersie Diepersie US 4712003 Diepersie Diepersie Diepersie Diepersie Diepersie US 4712003 Diepersie Diepe	Responsible		SMITH3				
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Saue Fee Follow Up	11/4/2005	Due Date		074263.0221	10/896387	Higheren Fusion Delay Barrior far	
Remarks: Issue Fee paid by client (ats) Procfread Issued Patent 019843.0207 08/984149 Notched Blade Seal for High Performance Procfread Issued Patent US 9/25/2001 Aircraft Remarks: Claims only. Due Date Record Assig Follow Up Date US-Allowance Compositions Issue Fee Due in 2 Months Raminder US-Allowance 0568796.0118 10/659903 Method and System for Processing PSTN and Ip Traific Due Date 6 Mo. Reminders Remarks: Due Date 6 Mo. Reminders Due Date 6 Mo. Reminders Ord050.2816 60/692578 Interactive Diagnostic Display Remarks: Due Date 6 Mo. Reminders Ord050.2816 60/692578 Interactive Diagnostic Display Remarks: Due Date 6 Mo. Reminders Ord050.2816 60/692678 Interactive Diagnostic Display Remarks: Due Date 6 Mo. Reminders Ord050.2816 60/692678 Interactive Diagnostic Display Remarks: Due Date 6 Mo. Reminders Ord050.2816 60/692678 Interactive Diagnostic Display Remarks: Due Date 6 Mo. Reminders Ord050.2816 60/692678 Interactive Diagnostic Display Remarks: Due Date 6 Mo. Reminders Ord050.2816 60/692678 Interactive Diagnostic Display Remarks: Due Date 6 Mo. Reminders Ord050.2816 60/692678 Interactive Diagnostic Display			Issue Fee Fallow Up	Sn	7/22/2004	Downhole Optical Cables	Allowed Half I be to the contract of the contr
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Proofread Issued Patent US 9725/2001 Alicreft	11/26/2005	Ove Date	US-Proofread Issued Patent		09/964149	Notched Blade Seal for High Performance	
Due Date Re-record Assignment 067575.0105 11/098114 Infermet-Enabled Conferencing System and Method Accommodaling PSTN and IP Traffic Remarks: Remarks: A442005 11/098114 Infermet-Enabled Conferencing System and Method Accommodaling PSTN and IP Traffic Bue Date US-Allowance 068796.0118 10/659903 Method and System for Processing System for Processing PSTN and IP Traffic Remarks: Remarks: 10/708.0150 10/338464 Anti-Inflammatory Humate Campositions Signals in a Stand-Alone Mode Pose in 2 Months Remarks: Fee Due in 2 Months US 17/22003 Anti-Inflammatory Humate Campositions and Method of Use Thereof Bing Confessions Due Date 6 Mo. Reminders 07/0050.2816 60/692578 Interactive Diagnostic Display Gno. Confessions Due Date 6 Mo. Reminders 07/0050.2816 60/692578 Interactive Diagnostic Display Gno. Confessions Engrand Confessions			Proofread Issued Patent	sn	9/25/2001	Aircraft	
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DueDate	kndicator	Action Type/ Action Due	File Number/ Country Name	Application No./ Filing Date	Title	Status/ Client Name
Responsible Person.		ASMITH3	• • • • • • • • • • • • • • • • • • •			
12/20/2005	Due Date	6 Mo. Reminders	075234.0181	60/892178	(Cantor Market Data) Enhanced System	
		6 mo. Foreign Filing Reminder	S	6/20/2005	and Method for Managing Financial Market Information	Cantering
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		6 mo. U.S. Fling Reminder	Sn	6/20/2005	and Method for Managing Financial Market Information	rending Cantor Index
		Remarks:				V
12/22/2005	Reminder	US-Allowance	076310.0103	10/041875	Railway Car Coupler Knuckle Having	Allegan
		Fee Due in 2 Months	S)	1772002	Improved Bearing Surface	Damony
		Remarks:				McConway & Torley Corporation
12/28/2005	Due Date	6 Mo. Reminders	076553.0105	60/694894	A System and Method for Couming	
		6 mo. Foreign Filing Reminder	SI	6/28/2005	Broadband Communications Signals to a Power Line	FEIIGING
		Remarks:				ELECTRIC COMMUNICATIONS, 1
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		6 mo. U.S. Filing Reminder	sn	6/28/2005	Broadband Communications Signals to a	Parang
		Remarks:				ELECTRIC COMMUNICATIONS, 1
12/30/2005	Reminder	US-Allowance	069547.0114 1	10/193978	(GameAccount) System and Method for	Allenged
		Fee Due in 2 Months	SN	7/12/2002	Generaling Statistics for a User of a Gaming Application	Allowed for
		Domodes:				copera, ilia

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